CF 101

SB

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

571/04

W.P. No. 2831 of 2004

PETITIONER Jaisingh Rathour, S/o. Shri Laxman Singh Rathour, aged 44 years, Occupation – Assistant Teacher, Block – Lormi, District – Bilaspur (C.G.)

12.10.04
Hamida Siddiqui
Advocate

VERSUS

12.10.04

RESPONDENTS 1) State of Chhattisgarh,
Through it's Secretary,
School Education Department,
D.K.S.Bhawan, Mantralaya - Raipur,
Tah. & Distt: Raipur.

2) District Education Officer,
District – Bilaspur (C.G.)

11.10.04

3) Ramkumar Kesharwani, S/o. Nadika Prasad, aged about 55 years, Sarpanch, R/o. Sardha, Block-Lormi, Distt. – Bilaspur (C.G.)

11.10.04

WRIT PETITION UNDER ARTICLE 226 AND 227 OF CONSTITUTION OF INDIA

(42)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 2831 of 2004

Petitioner — Jaisingh Rathour

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Mrs. Hamida Siddique, Advocate for the petitioner.
Mr. Satish Gupta, Dy. Govt. Advocate for the respondents No. 1 and 2/State.

ORDER
(Passed on this 1st day of March, 2007)

1. The petitioner, while working as Assistant Teacher in Primary School, Jhajhapurikala, Block Lormi, was transferred to Primary School, Baijalpur, Block Lormi, on the same terms and conditions vide impugned transfer order dated 7.8.2004 (Annexure P/1).
2. This Court, vide interim order dated 8.10.2004, directed that the petitioner should not be relieved from the present place of posting, till the next date of hearing. By virtue of the interim order, the petitioner has continued on the same place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.
6. Consequently, M. (W.)P. No. 2501/2004, application for grant of interim relief, stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Bablu